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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/349,521

07/08/1999

HONG JIANG

CASE9

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03/17/2005

LUCENT TECHNOLOGIES INC.

DOCKET ADMINISTRATOR

101 CRAWFORDS CORNER ROAD - ROOM 3J-219

HOLMDEL, NJ 07733

EXAMINER

TON, DANG T

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,521

Applicant(s)

JIANG, HONG

Examiner

DANG T TON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-4 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al. (6,314,284).

Note: the term " adapted to " is not a positively claimed limitation. Therefor, the terms " at least two different types of wireless air interfaces selected from the group consisting of Advanced Mobile Phone Service (AMPS), Code Division Multiple Access (CDMA), Time Division Multiple Access (TDMA), Global System for Mobile Communications (GSM), 802.1 1 and Universal Mobile Telecommunications System (UMTS) are not considered the claimed limitation.

For claims 3-4 and 14, Patel et al. disclose system and method for providing service transparency for mobile terminating calls within an H.323 system comprising :

a wireless air interface (see IMSI box 122 in figure 2) for communicating with a wireless point (box 120 in figure 2);

a IP router for routing packets over an IP based packet network (see boxes 170 and 175 in figure 2);

a processor for converting signaling messages received from the wireless air interface to a common signaling format for transmission via the IP router (see box 142 in figure 2);

;

wherein the IP router queries the IP based network for forming a routing table for use in routing packets from other endpoints of the IP based network (see router 170 in figure 2); and

wherein the common signaling format is ITU H-323 (see box 100 in figure 3).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. in view of Siu et al. (6,522,641).

For claim 5, Patel et al. disclose all the subject matter of the claimed invention with the exception of routing packets from one base station to other base station in a communications network. Siu et al. from the same or similar fields of endeavor teaches a provision of a plurality of the base stations communicating together (see BSs in figure 3). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the routing packets between the base stations as taught by Siu et al. in the communications network of Patel et al. The plurality of base stations of Siu et al. can be implemented or modified into Patel et al. by connecting the plurality of the base station into the bus 110 in figure 2 of Patel et al. The motivation for using the routing packets from one base station to other base station being that it provides a need existing for integrated data centric network wherein the voice, data, voice services have quality of services of the traditional voice networks and transport efficiency of the traditional data (IP) networked.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. in view of Rodrig et al. (6,256,314).

For claims 6-7, Patel et al. disclose all the subject matter of the claimed invention with the exception of the IP router using open shortest path first (OSPF) based protocol or interior gateway routing protocol (IGRP) for forming the routing table in a communications network. Rodrig et al. from the same or similar fields of endeavor teaches a provision of the OSPF protocol and IGRP protocol (see column 8 lines 4-5). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the OSPF protocol and IGRP protocol as taught by Rodrig et al. in the communications network of Patel et al. The OSPF protocol and IGRP can be implemented or modified into Patel et al. by using the OSPF protocol and IGRP in the gateway 142 figure 2 of Patel et al.

The motivation for using the OSPF based protocol and IGRP protocol taught by Rodrig et al. into the communications network of Patel et al. being that it provides dynamic topology and capacity information and reducing costs.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al in view of Patel et al and Lehman et al. (newly cited 6,282,184).

For claims 8-12, Doshi et al. disclose a system comprising

;

at least one base station (see box 250 in figure 1) for communicating information between a endpoint an IP based packet network (see box 205 in figure 1);

at least one server(see box 230 in figure 1), which is accessed by the base station for establishing a telephone call between the endpoint and another endpoint;

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at least one router (see box 220 in figure 1) coupled to the IP based network for routing communications transmitted from the base station to the server;

wherein the network does not include a MSC (no MSC in figure 1);

wherein the base station comprises a router portion for routing packets through the base station to other portions of the IP based packet network (see boxes 250 and 205 in figure 1); and the gateway server for coupling to a switched network (see STM switch 210 in figure 3), IP network (see IP network 205 in figure 3).

For claims 8-12, Doshi et al. disclose all the subject matter of the claimed invention with the exception of the wireless communication in a communications network. Patel et al. from the same or similar fields of endeavor teaches a provision of the wireless communication (see figure 2 box 146). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the wireless taught by Patel et al in the communications network of Doshi et al. The wireless can be implemented or modified into Doshi et al. by connecting the wireless between boxes 210, 215 in figure 1 of Doshi et al. The motivation for using the wireless into the

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communications network of Doshi et al. being that it provides transmission information in free space.

For claim 8-12, Doshi et al. and Patel et al. disclose all the subject matter of the claimed invention with the exception of the wireless air interface comprising at least two different types of wireless air interfaces in a communications network. Lehman et al. from the same or similar fields of endeavor teaches a provision of the more integrated communications interfaces to other devices (see boxes 7-9 and 23-25 in figure 2). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the at least two types of interfaces as taught by Lehman et al. in the communications network of Patel et al. and Doshi et al. The at least two types of the interfaces of Lehman et al. can be implemented or modified into Patel et al. by connecting the at least two types of the interfaces into the gateway (box 142 in figure 2). The motivation for using the two types of the interfaces as taught by Lehman et al. into the communications network of Doshi et al. and Patel et al. being that it provides an adaptation of different kind of the communications network.

For claim 8-12, Doshi et al. and Patel et al and Lehman et al. disclose all the subject matter of the claimed invention with the exception of selecting from the group consisting of Advanced Mobile Phone Service (AMPS), Code Division Multiple Access (CDMA), Time Division Multiple Access (TDMA), Global System for Mobile Communications (GSM), 802.11 and Universal Mobile Telecommunications System (UMTS) in a communications network(Lehman et al. does teach selecting from the group of CDMA,TDMA and GSM see boxes 7-9 and 23-25 in figure 2). However, the UMTS, AMPS and 802.11 are well-known in the art . Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the UMTS, AMPS and 802.11 into the group of Lehman et al. for the purpose of providing an adaptation of different kind of the communications network.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al. in view of Patel et al. and Lehman et al. as applied to claim 11 above, and further in view of Siu et al.

For claim 13, Lehman et al. ,Patel et al. and Doshi et al. disclose all the subject matter of the claimed invention with the exception of the gateway providing access to an intranet in

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a communications network. Doshi et al. and Patel et al. from the same or similar fields of endeavor teaches a provision of the ATM (intranet) coupled to the ATM gateway (see figure 5). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the internet as taught by Siu et al. in the communications network of Patel et al. and Doshi et al. The intranet can be implemented or modified into Patel et al. and Doshi et al. by connecting the intranet to box 210 in figure 3 of Doshi et al. The motivation for using the intranet as taught by Siu et al. into the communications network of Lehman et al, Patel et al. and Doshi et al. being that it provides an adaptation of different kind of the network.

6. Applicant's arguments with respect to claims 3-12 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks of 10/20/2004, applicant traverses the rejection under 35 U.S.C 102 and 103. The traversal is based on the ground that the references does not teach at least two different types of wireless air interfaces selected from the group consisting of Advanced Mobile Phone Service (AMPS), Code Division Multiple Access (CDMA), Time Division Multiple Access

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(TDMA), Global System for Mobile Communications (GSM), 802.1 1 and Universal Mobile Telecommunications System (UMTS) as recited in claims 3 and 8. This argument is not found to be persuasive for claim 3 since the limitations argued by applicant is not positively recited by the term " adapted to" in the claim. Therefor; the limitation argued above is not considered the claimed limitation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANGTON
PRIMARY EXAMINER